ORDINANCE NUMBER 14-39

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

This is a Planned Unit Development District Ordinance (to be known as the "Spring Mill Station Northeast Quadrant PUD") to amend the Westfield-Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Petition No. 1405-PUD-06), requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in <u>Exhibit A</u> attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded Petition No. 1405-PUD-06 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a positive recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on August 19th, 2014;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:



Section 1. Applicability of Ordinance.

- 1.1 The Zoning Ordinance is hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "Spring Mill Station Northeast Quadrant PUD" (the "District").
- 1.2 Upon adoption of this ordinance, the CrossRoads Church PUD Ordinance, recorded as Instrument No. 2012013233 in the Office of the Recorder of Hamilton County, Indiana, and adopted by the Common Council on March 12, 2012, as Ordinance No. 12-03, shall be repealed and made inapplicable to the Real Estate, and shall be superseded by the terms of this ordinance.
- Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Zoning Ordinance as set forth herein, unless specifically modified by the terms of this Ordinance.
- 1.4 All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.
- <u>Section 2.</u> <u>Definitions.</u> Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance.
 - 2.1 Character Exhibit(s). The illustrative exhibits attached hereto and incorporated by reference as Exhibit B. The exhibits are conceptual in nature and provided to illustrate the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are permitted to be constructed and that contribute to the District's intent and vision. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.
 - 2.2 <u>Conceptual Plans:</u> The conceptual plans (the "Conceptual Plans") are attached hereto and incorporated herein by reference as <u>Exhibit C</u>.
 - 2.3 <u>Developer:</u> Any individual, corporation, partnership or entity engaged in the improvement of a parcel of land or construction of a building within the District.
 - 2.4 <u>Underlying Zoning District</u>: The Zoning District of the Zoning Ordinance that shall govern the development of the District and its various subareas, as set forth in this Ordinance.
- Section 3. Conceptual Plan. The Real Estate shall be developed in substantial compliance with the Conceptual Plans. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be

appealed to the Plan Commission.

- Section 4. Underlying Zoning Districts. The Underlying Zoning District shall be the GB-General Business District. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to the Underlying Zoning District, as set forth above, shall apply.
- <u>Section 5.</u> <u>Permitted Uses.</u> The uses permitted in "Area A.1" & "Area A.3" shall be the same as the Underlying Zoning District. The uses permitted "Area A.2" shall be Gasoline Service Station.
- <u>Section 6.</u> <u>Development Standards.</u> The regulations of the Underlying Zoning District shall apply to the development of the District, unless otherwise modified herein.
- Section 7. Setbacks. Setbacks shall be as follows:

"Area A.1"

- A. Front Yard along 161st St. shall be at least fifty (50) feet.
- B. Side and Rear yards that abut existing residential shall be at least sixty (60) feet.

"Area A.2"

- C. Front Yard along Spring Mill shall be at least fifty (50) feet.
- D. Side Yard that abuts residential to the north shall be at least fifty-five (55) feet.
- Section 8. Parking. The parking and loading standards of the Zoning Ordinance (WC § 16.04.120) shall apply.
- Section 9. Landscaping and Screening. The District's landscaping and screening shall comply with the Zoning Ordinance (WC § 16.06), except as otherwise provided below.

"Area A.2"

- A. The north buffer yard shall be at least twenty-eight (28) feet wide on the property. A twenty-seven (27) feet wide easement on the Townhomes at Countryside Condominiums property shall be utilized to provide a total of a fifty-five (55) feet wide buffering area.
- B. A visual barrier shall be provided between the District and Townhomes at Countryside Condominiums to the north. The visual buffer shall consist of an earthen berm and plantings. The plantings shall include coniferous trees for year round screening and deciduous trees for visual interest. The

coniferous trees at the time of planting shall be at least eight (8) feet tall. The species of the coniferous trees shall be a "Green Giant" Arborvitae, or similar species, which is known for its vigorous growth rates of 2-3' per year after established. Such plantings and berm shall be installed in substantial compliance with **Exhibit C**, attached and incorporated herein. The screening plant material shall consist of at least forty-five (45) evergreen trees planted in a double staggered row ten (10) feet on center and off set six (6) feet.

- C. The west buffer yard shall be at least twenty (20) feet wide and planted in substantial compliance with **Exhibit C**.
- Section 10. Sign Standards. The District's signs shall comply with the Zoning Ordinance (WC § 16.08.010), except as otherwise provided below.

"Area A.2"

- A. Maximum area of signage permitted shall be one (1) square feet per one (1) linear feet of building frontage parallel to right-of-way. For purposes of calculating the amount of permitted signage, the fuel center canopy and depot building (the "Depot Building") shall count as building frontage.
- B. The maximum permitted area of signage shall be one hundred and sixty-one (161) square feet for the fuel canopy and fifty-four (54) square feet for the Depot Building. The "Spring Mill Station" identification signs located on the fuel canopy and rest stop shelters shall not count towards the total square footage requirement.
- C. Electronic signage shall constitute no more than 50% of the total area of signage.
- D. The "Kroger Depot Sign" shall be permitted to extend above the roofline of the Depot.
- Section 11. Lighting Standards. The District's lighting shall comply with the Zoning Ordinance (WC § 16.07.010).
- Section 12. Architectural and Streetscape Design Standards. The procedures and regulations of WC § 16.04.165 Development Plan Review applicable to the Underlying Zoning District shall apply. The Real Estate shall be developed in substantial compliance with Exhibit B, attached hereto, and incorporated herein, which illustrates the following: architectural quality, building materials, and site design.
- Section 13. Traffic Improvements Developer shall cause to be installed and maintained stop signs and pavement markings at five (5) locations in substantial

compliance (as determined by Department) with those identified in $\mathbf{Exhibit}\ \mathbf{D}$.

Section 14. Timing The fuel station use on Area A.3 shall be terminated prior to initiating operation of the new fueling center use located on Area A.2.

ALL OF WHICH IS ORDAINED/RESOLVED THIS 8th DAY OF SEPTEMBER, 2014.

WESTFIELD CITY COUNCIL

Voting For	Voting Against	<u>Abstain</u>
Jim Ake	Jim Ake	Jim Ake
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Charles Lehman	Charles Lehman	Charles Lehman
Robert J. Smith	Robert J. Smith	Robert J. Smith
Cindy E. Spoljari	Cindy L. Spoljaric	Cindy L. Spoljaric
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes
ATTEST:	/ "I affirm. und	ler the penalties of partury,

Cindy Gossard, Clerk Treasurer

"I affirm, under the penelsias of positry, that I have taken and a managed to the condition of the condition

Signied

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I hereby certify that ORDINANCE 14-39 wa	as delivered to the Mayor of We	stfield
on the day of September, 2014, at Cindy Gossard, Clerk-Treasurer	<u>8:05 д</u> m.	
I hereby APPROVE ORDINANCE 14-39	I hereby VETO ORDINANCE 14	1-39
this day of, 2014.	this day of	2014.
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J. Andrew Cook, Mayor	J. Andrew Cook, Mayor	
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This document prepared by: Paula J. Gartne	or, PE	
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VERSION 05/30/14

SCHEDULE OF EXHIBITS

Table of Contents

Exhibit A: Real Estate Legal Description

A1: Grocery Store Expansion Area Legal Description ("Area A1")

A2: Fuel Center Expansion Area Legal Description ("Area A2")

A3: Existing Fuel Center Redevelopment Area Legal Description ("Area A3")

Exhibit B: Character Exhibits

B1: Grocery Store Expansion Area

B2: Fuel Center Expansion Area

Exhibit C: Conceptual Plan

C1: Grocery Store Expansion Conceptual Plan

C2: Fuel Center Expansion Conceptual Plan

C3: Existing Fuel Center Redevelopment Area Conceptual Plan

C4: Fuel Center Expansion Landscape Plan

Exhibit D: Traffic Improvements

D1: Stop Signs and Pavement Markings

EXHIBIT A

Real Estate Legal Description

Exhibit A.1: Grocery Store Expansion Area Legal Description ("Area A1")

Exhibit A.2: Fuel Center Expansion Area Legal Description ("Area A2")

Exhibit A.3: Existing Fuel Center Redevelopment Area Legal Description ("Area A3")

Evans, Mechwart, Hambleton & Tilton, Inc. Engineers • Surveyors • Planners • Scientists 7400 N. Shadeland Ave., Ste. 150, Indianapolis, IN 46250 Phone: 317.913.6930 Toll Free: 888.775.3648

emht.com

TOWN OF WESTFIELD, HAMILTON, INDIANA EXHIBIT "A.1"

FOR

KROGER J970
GROCERY STORE EXPANSION AREA
LAND DESCRIPTION

DATE: AUGUST 14, 2014

JOB NO. 20130351

SCALE: None

DESCRIPTION FOR GROCERY STORE EXPANSION AREA:

PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 03 EAST, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89 DEGREES 11 MINUTES 57 SECONDS EAST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 1203.25 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 40 SECONDS WEST A DISTANCE OF 44.66 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 11 MINUTES 17 SECONDS WEST A DISTANCE OF 401.55 FEET; THENCE NORTH 00 DEGREES 48 MINUTES 43 SECONDS WEST A DISTANCE OF 40.87 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 17 SECONDS EAST A DISTANCE OF 40.87 FEET; THENCE NORTH 00 DEGREES 48 MINUTES 43 SECONDS WEST A DISTANCE OF 80.07 FEET; THENCE NORTH 23 DEGREES 16 MINUTES 50 SECONDS EAST A DISTANCE OF 79.66 FEET; THENCE NORTH 89 DEGREES 13 MINUTES 36 SECONDS EAST A DISTANCE OF 110.91 FEET; THENCE SOUTH 00 DEGREES 43 MINUTES 51 SECONDS EAST A DISTANCE OF 35.92 FEET; THENCE NORTH 89 DEGREES 13 MINUTES 36 SECONDS EAST A DISTANCE OF 66.97 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 03 SECONDS EAST A DISTANCE OF 36.68 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 17 SECONDS EAST A DISTANCE OF 156.33 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 40 SECONDS EAST A DISTANCE OF 447.76 FEET TO THE POINT OF BEGINNING; CONTAINING 4.35 ACRES, MORE OR LESS.

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TOWN OF WESTFIELD, HAMILTON, INDIANA EXHIBIT "A.1"

FOR

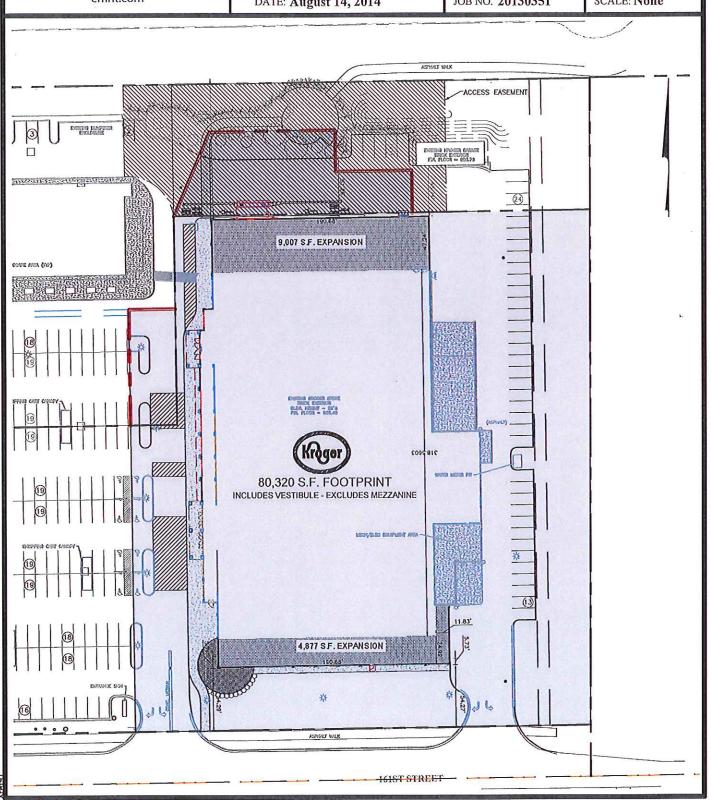
KROGER J970 GROCERY STORE EXPANSION AREA

LAND DESCRIPTION

DATE: August 14, 2014

JOB NO. 20130351

SCALE: None





TOWN OF WESTFIELD, HAMILTON, INDIANA
EXHIBIT "A.2"
FOR
KROGER J970
FUEL CENTER EXPANSION AREA

LAND DESCRIPTION

emht.com

DATE: August 14, 2014

JOB NO. 20130351

SCALE: None

DESCRIPTION FOR FUEL CENTER EXPANSION AREA:

PART OF THE NORTHWEST QUARTER SECTION 11, TOWNSHIP 18 NORTH, RANGE 3 EAST, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE ABOVE MENTIONED QUARTER, NORTH 00 DEGREES 00 MINUTES (ASSUMED BEARING) ALONG THE WEST LINE OF SAID QUARTER SECTION 361.38 FEET TO THE PLACE OF BEGINING TO THIS DESCRIPTION, THENCE CONTINUING ALONG SAID LINE 249.52 FEET TO A POINT; THENCE NORTH 90 DEGREES 00 MINUTES EAST 312.00 FEET TO A POINT; THENCE SOUTH 00 DEGREES 00 MINUTES EAST 249.52 FEET TO A POINT; THENCE SOUTH 90 DEGREES 00 MINUTES WEST 312.00 FEET TO A POINT WHICH IS THE BEGINNING POINT OF THIS DESCRIPTION; CONTAINING, EXCLUDING THE RIGHT—OF—WAY OF SPRING MILL ROAD, 1.527 ACRES, MORE OR LESS.

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Phone: 317.913.6930

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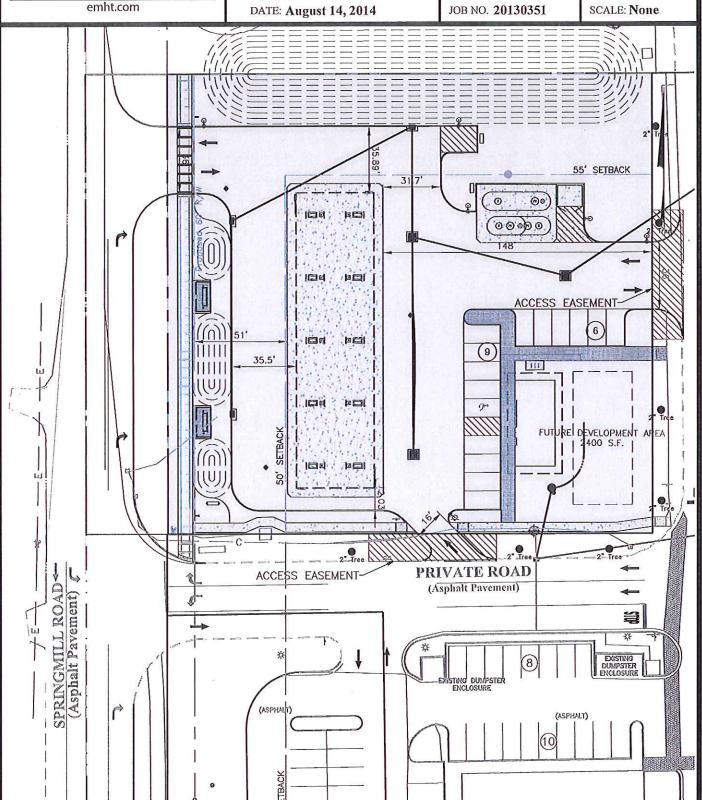
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TOWN OF WESTFIELD, HAMILTON, INDIANA EXHIBIT "A.2" FOR

KROGER J970

FUEL CENTER EXPANSION AREA LAND DESCRIPTION

Toll Free: 888.775.3648



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TOWN OF WESTFIELD, HAMILTON, INDIANA EXHIBIT "A.3" FOR

KROGER J970 EXISTING FUEL CENTER REDEVELOPMENT AREA LAND DESCRIPTION

DATE: August 14, 2014

JOB NO. 20130351

SCALE: None

DESCRIPTION FOR EXISTING FUEL CENTER REDEVELOPMENT AREA:

PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 03 EAST, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 00 DEGREES 02 MINUTES 40 SECONDS WEST (ASSUMED BEARING) ALONG THE WEST LINE THEREOF A DISTANCE OF 316.60 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 17 SECONDS EAST A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 11 MINUTES 17 SECONDS EAST 118.85 FEET; THENCE SOUTH 00 DEGREES 48 MINUTES 43 SECONDS EAST A DISTANCE OF 272.15 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 17 SECONDS WEST A DISTANCE OF 82.30 FEET; THENCE NORTH 46 DEGREES 03 MINUTES 43 SECONDS WEST A DISTANCE OF 55.79 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 23 SECONDS WEST A DISTANCE OF 232.90 FEET TO THE POINT OF BEGINNING: CONTAINING 0.736 ACRES, MORE OR LESS.



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TOWN OF WESTFIELD, HAMILTON, INDIANA EXHIBIT "A.3" FOR

KROGER J970

EXISTING FUEL CENTER REDEVELOPMENT AREA LAND DESCRIPTION

DATE: August 14, 2014

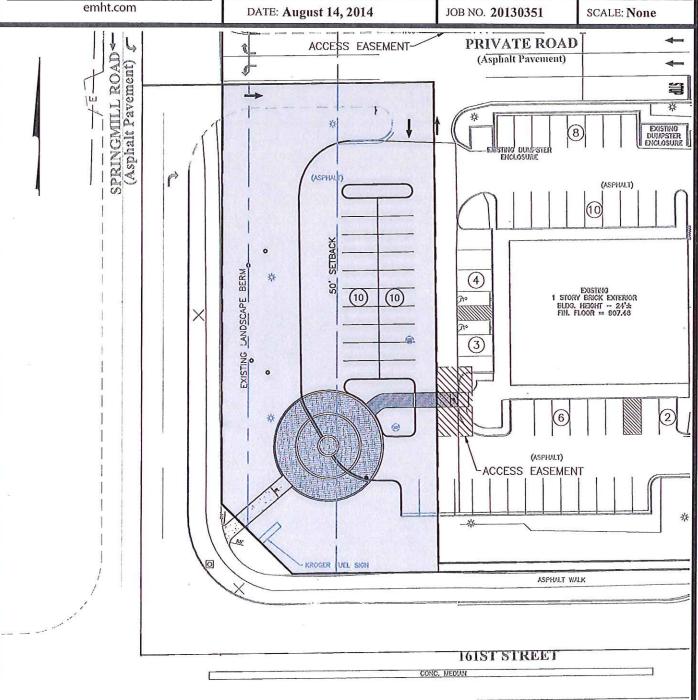
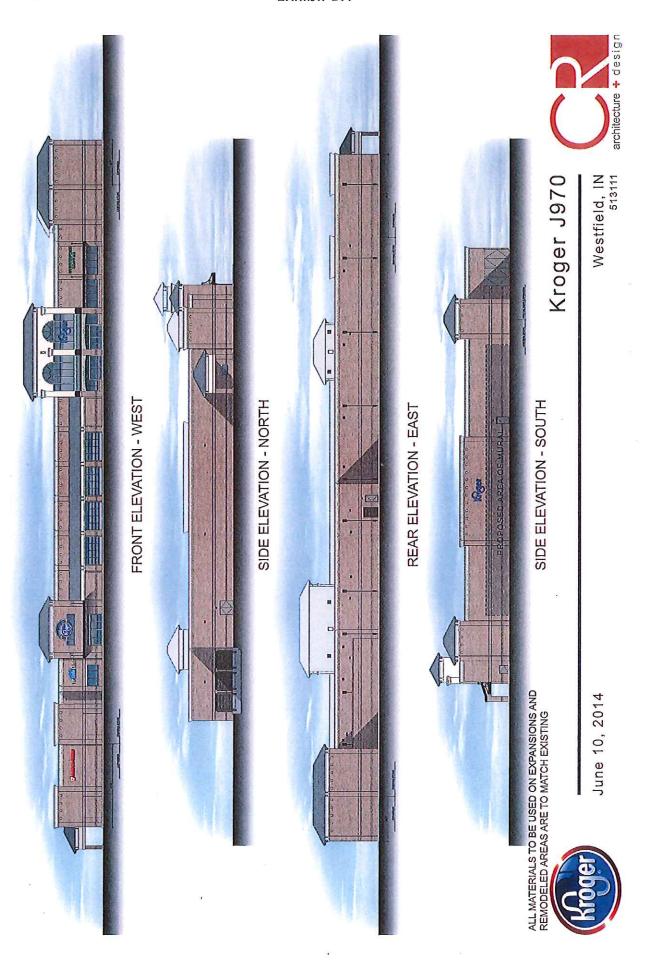
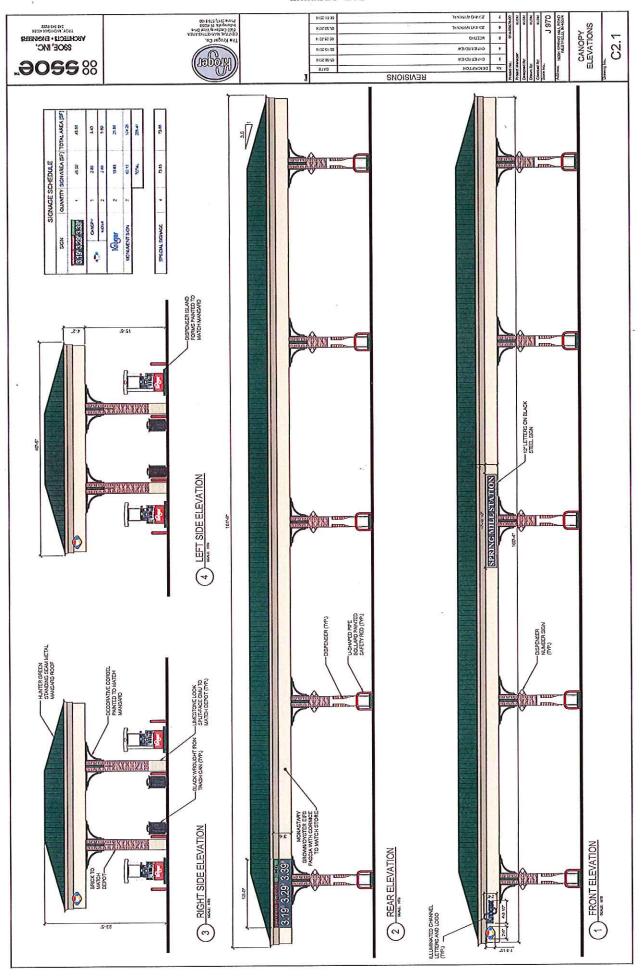


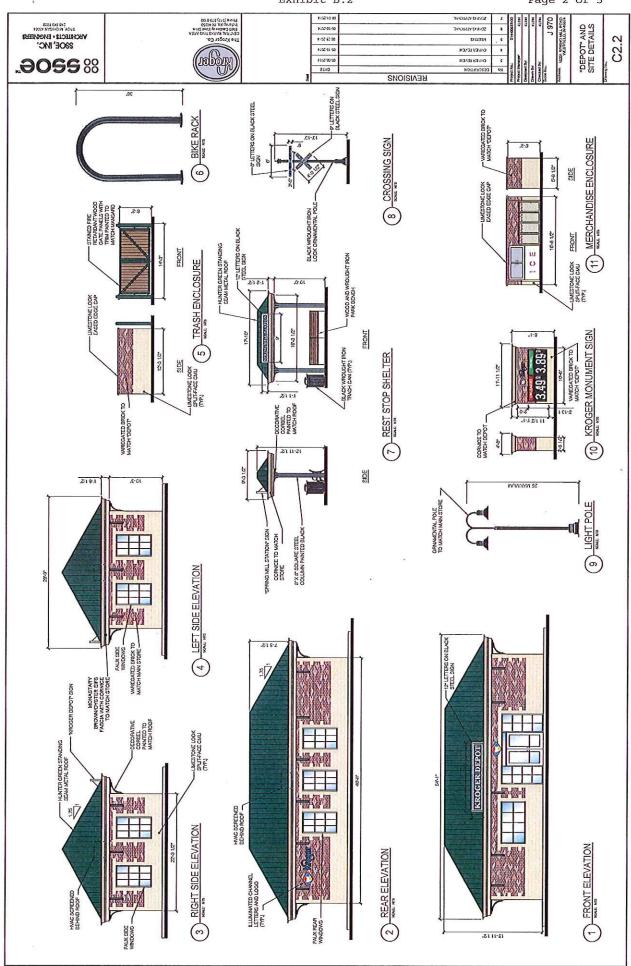
EXHIBIT B
Character Exhibits

Exhibit B.1: Grocery Store Expansion Area

Exhibit B.2: Fuel Center Expansion Area







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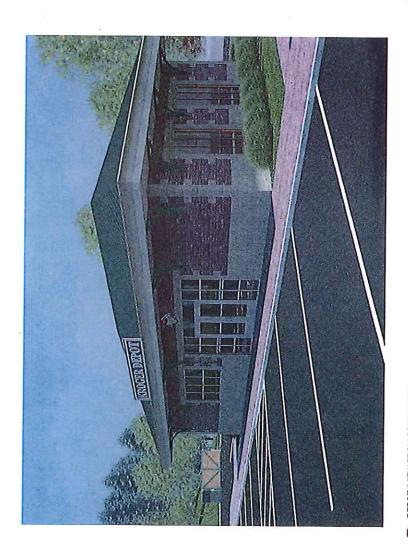
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2 OUTSIDE SALES ENCLOSURE



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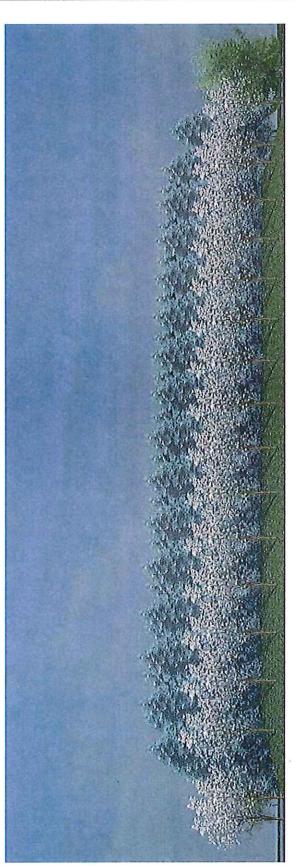


5 PLAZA VIEW (FROM SOUTHWEST)

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SEATING AREA

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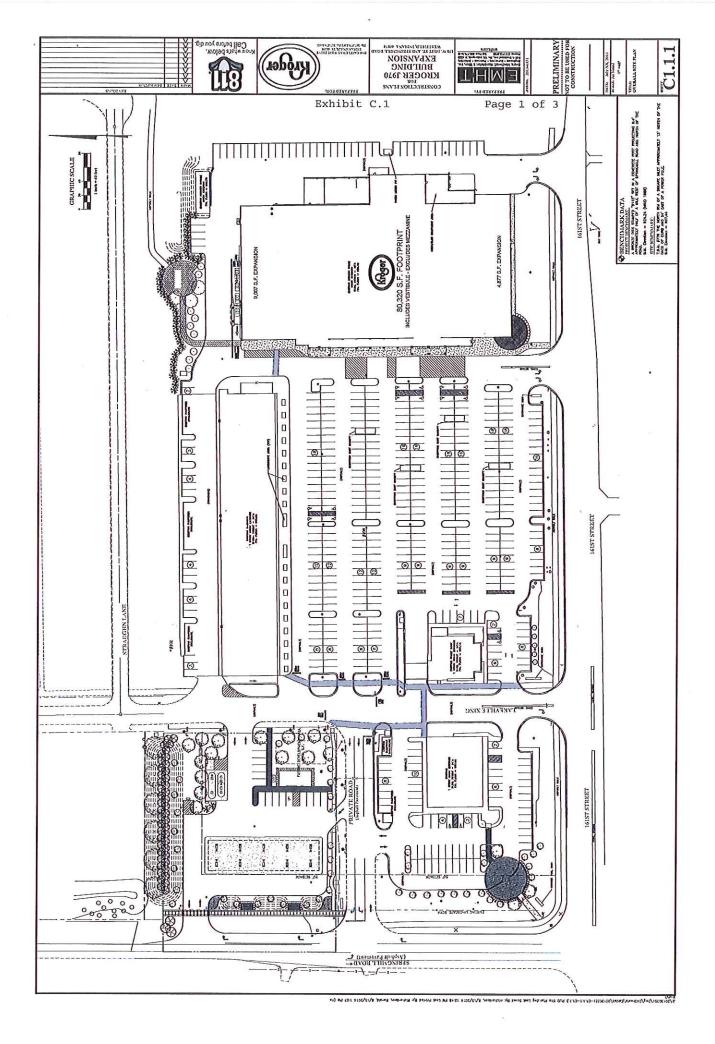
EXHIBIT C Conceptual Plans

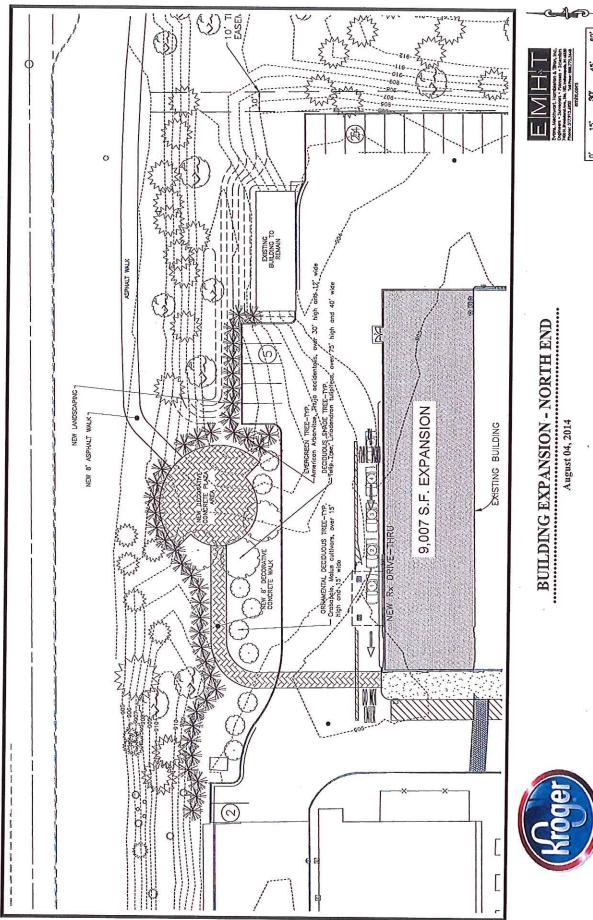
Exhibit C.1: Grocery Store Expansion Conceptual Plan

Exhibit C.2: Fuel Center Expansion Conceptual Plan

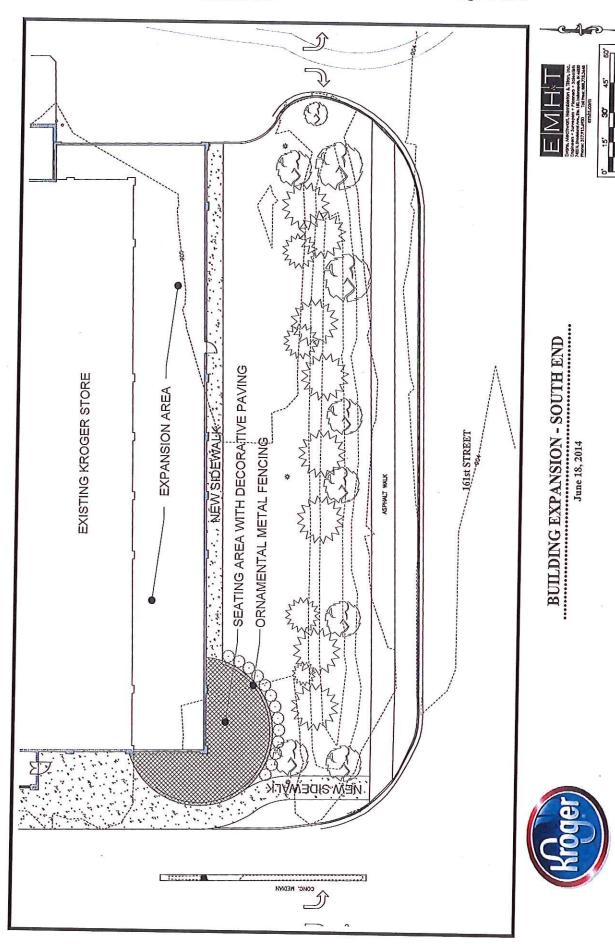
Exhibit C.3: Existing Fuel Center Redevelopment Area Conceptual Plan

Exhibit C.4: Fuel Center Expansion Landscape Plan













Kroger



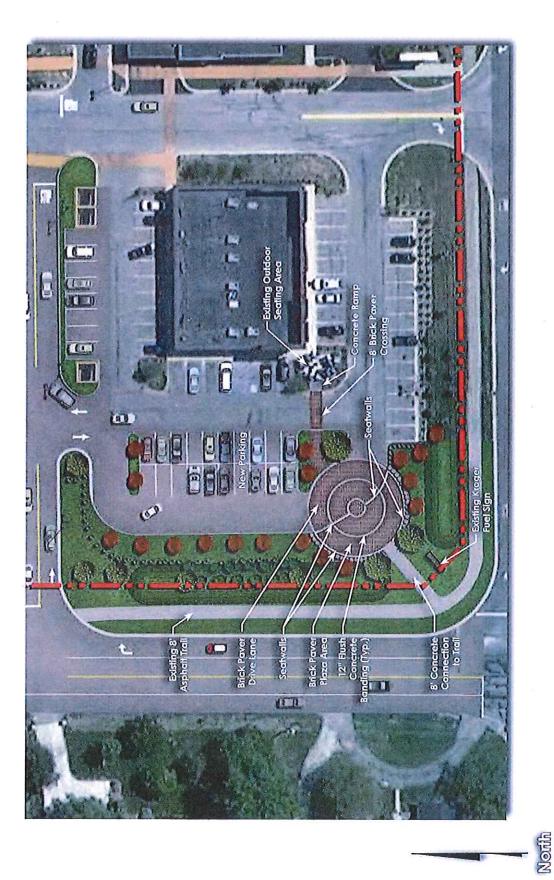
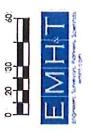




Exhibit C: Old Fuel Center Area Redevelopment

Westfield, IN Kroger July 3, 2014



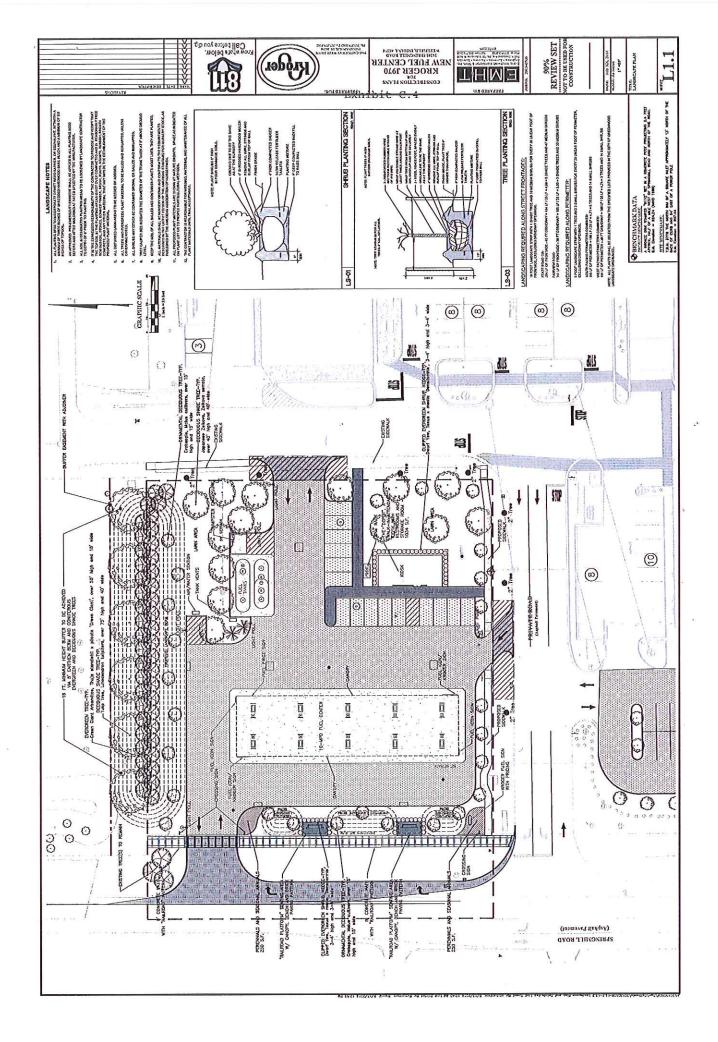


EXHIBIT DTraffic Improvements

Exhibit D.1: Stop Signs and Pavement Markings

